

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 222

CASE NO. 77-38

June 8, 1978

Pursuant to notice, a public hearing was held by the District of Columbia Zoning Commission on March 23, 1978, to consider an application by Marvin and Janet C. Stein, for an amendment to the Zoning Map of the District of Columbia.

FINDINGS OF FACT

1. The proposed map change is from R-1-B to C-1 for Lot 857 in Square 1440, located between and bounded by MacArthur Boulevard, Cathedral Avenue and Hawthorne Place, N.W., comprising approximately 4,875 square feet.

2. The R-1-B District permits one family detached dwellings, with a minimum lot area of 5,000 square feet. The C-1 District permits neighborhood shopping uses with a maximum floor area ratio of 1.0, and a three story/40 foot height limit.

3. The subject site is a vacant rectangular lot, with a depth of 97.5 feet and a width of 50 feet along its MacArthur Boulevard frontage. The lot is generally level from its street frontage to a depth of approximately 85-90 feet, at which point a steep slope begins.

4. Abutting the property on the west are three one-story retail structures and an automobile service station at the corner of MacArthur Boulevard and Cathedral Avenue. These commercial structures are at the same grade with the subject property and are zoned C-1. A two and one-half story commercial structure directly across MacArthur Boulevard to the south is also zoned C-1. Abutting the lot to the east and north are a detached dwelling and a church, both at higher elevations than the subject site and both zoned R-1-B.

5. Under the present R-1-B zoning, no building could be constructed on the property as a matter-of-right, since the site contains less than the 5,000 square foot minimum area requirement. Even the construction of a single family dwelling would require a variance from the Board of Zoning Adjustment.

6. Construction of a single family detached dwelling would not be appropriate on this site. The topography of the site and the existence of the wall of the commercial building to the west combine to create a situation where a single family dwelling would be located below the level of adjacent houses to the east and alongside a solid blank wall to the west.

7. If the property were rezoned to C-1, a commercial building could be constructed across the full width of the lot. Such a structure would have an adverse effect on the immediately adjoining residences to the east, by presenting a solid side wall to that dwelling directly on the lot line.

8. Commercial development of the site would also adversely affect adjoining properties by increasing traffic and congestion, by attracting more cars seeking parking in the neighborhood and by providing no transition or buffer to soften the impact of the use on adjoining properties. This site is not large enough to provide a transition as well as the commercial use.

9. Development of the site with rowhouses would serve to provide a transition between the existing commercial uses and the existing residential neighborhood. Such houses would be in character with the single family neighborhood, would generate no significant traffic, but would allow for reasonable use of the site. Such houses would also abut the wall of the existing commercial building, and would not open to it.

10. Under the R-3 District, detached, semi-detached and row dwellings are permitted. Row dwellings require a minimum lot area of 2,000 square feet and a minimum width of twenty feet. Semi-detached dwellings require a minimum lot area of 3,000 square feet and a minimum width of thirty feet. Detached dwellings require a minimum lot area of 4,000 square feet and a minimum width of forty feet.

11. Given the size of the subject property, only one detached dwelling or two rowhouses could be constructed as a matter-of-right.

12. The Municipal Planning Office, by memorandum dated March 21, 1978, and by testimony presented at the public hearing, reported that either a small commercial building or housing would be appropriate on the site.

13. The Department of Transportation by memorandum dated April 20, 1978, reported that the application might result in a situation where persons attracted to the development on the site might park illegally in loading zones or double park. The Department reported that it would not object if off-street parking were provided.

14. Advisory Neighborhood Commission 3D, by report dated March 23, 1978 and by testimony at the hearing, stated that at its regularly scheduled meeting of March 9, 1978, ANC 3D voted to oppose the applicant's request for rezoning to C-1 and encouraged the applicant to work toward a creative residential use for the property.

15. At the public hearing, the Commission requested the applicant and neighborhood representatives to meet and try to agree upon an acceptable type of development for the site. By letter dated April 12, 1978, the Palisades Citizens Association restated its opposition to commercial zoning, but agreed to two residential use townhouses for the site. Such development is permitted in the R-3 District.

16. The application was referred to the National Capital Planning Commission, under the terms of the District of Columbia Self-Government and Governmental Reorganization Act and the National Capital Planning Commission reported that the proposed amendment would not have a negative impact on the Federal Establishment or other Federal interests in the National Capital and is not inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. Rezoning to R-3 is in accordance with the Zoning Act (Act of June 20, 1938, 52 stat. 797), by furthering the general public welfare and serving to stabilize and improve the area. Rezoning to C-1 would not further those purposes.

2. Rezoning to R-3 will promote orderly development in conformity with the entirety of the District of Columbia Zoning Plan as embodied in the Zoning Regulations and Map of the District of Columbia.

3. Rezoning to R-3 will not have an adverse impact on the surrounding residential neighborhood, and will provide a buffer between the existing C-1 and R-1-B zones.

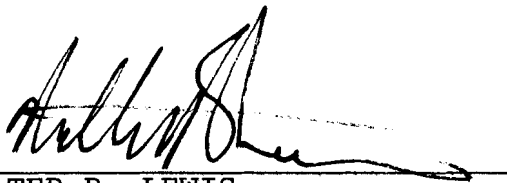
4. The Commission takes note of the position of the Advisory Neighborhood Commission, and in its decision, has accorded to the ANC the "great weight" to which it is entitled.

DECISION

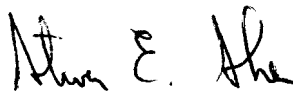
In consideration of the Findings and Conclusions herein, the Commission therefore hereby Orders the following action:

Change from R-1-B to R-3, Lot 857,
Square 1440, for property located
at MacArthur Boulevard east of
Cathedral Avenue, N.W., comprising
approximately 4,875 square feet.

Vote of the Commission taken at the public meeting on May 11, 1978:
3-0 (Walter B. Lewis, George M. White and Ruby B. McZier to grant,
John G. Parsons, not voting not having participated in the case
and Commissioner Theodore F. Mariani not present not voting).



WALTER B. LEWIS
Chairman



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on June 8, 1978 by a vote of 4-0 (George M. White, Walter B. Lewis and Ruby B. McZier to adopt, Theodore F. Mariani to adopt by proxy and John G. Parsons not voting, not having participated in the case).

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is effective on 14 JUN 1978.